

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21165

Application 30502 of Elsinore Valley Municipal Water District
P.O. Box 3000
Lake Elsinore, CA 92531-3000

filed on **January 10, 1996**, has been approved by the State Water Resources Control Board (SWRCB)
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

(A)(B)&(C) Temescal Wash
(treated wastewater)

Tributary to:

Santa Ana River

within the County of **Riverside**

2. Location of point of diversion

By California Coordinate System of 1927 in Zone #6	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
(A) North 578,250 feet and East 1,636,700 feet	SE ¼ of NW ¼	7	5S	5W	SB
(B) North 553,876 feet and East 1,668,122 feet	SW ¼ of SW ¼	31	6S	4W	SB
(C) North 552,580 feet and East 1,671,200 feet	NE ¼ of NE ¼	6*	6S	4W	SB

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian
Recreation	Lake Elsinore (Main Lake)	6*	6S	4W	SB
		7*	6S	4W	SB
		17*	6S	4W	SB
		18*	6S	4W	SB
		19*	6S	4W	SB
		1*	6S	5W	SB
		2*	6S	5W	SB
		10	6S	5W	SB
		11*	6S	5W	SB
		12*	6S	5W	SB
		13*	6S	5W	SB
Fish and Wildlife Protection and Enhancement Water Quality Industrial Irrigation	Within the boundaries of the Elsinore Valley Municipal Water District and the Corona Colony as shown on maps on file with the SWRCB.				

5. **Quantity - Direct Diversion and Storage, same season.** The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3.87 cubic feet per second by direct diversion and 8,400 acre-feet per annum by storage from January 1 to December 31 of each year. The total amount of water to be taken from the sources shall not exceed 11,200 acre-feet in any 12-month period.
(0000005E)
6. **Rate of Diversion to Offstream Storage.** The maximum rate of diversion to offstream storage shall not exceed 42 cubic feet per second.
(0000005J)
7. **Complete Use.** Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2013.
(0000009)

8. **Measuring Devices – Offstream Storage.** Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into Lee Lake and Lake Elsinore from Temescal Wash, and water released from or flowing out of each reservoir. (0060046M)
9. **Nonnatural Water.** To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)
10. **Private Agreement.** Permittee shall comply with the following provisions which are derived from the agreement between Permittee and TMC Companies, for Liberty Founders, LLC executed on February 10, 1999 and filed with the State Water Resources Control Board:
- I. Permittee shall not inject water or cause water to percolate at any point within the Back Basin except water that meets all legal requirements for injection or percolation into a drinking water aquifer as required by the State Water Resources Control Board, Regional Water Quality Control Board – Santa Ana Region and all relevant state and local health departments.
 - II. The Permittee shall not operate the project in a manner that will impair existing beneficial uses and related water quality objectives as defined in the Santa Ana River Basin Water Quality Control Plan dated 1995, and thereby prohibit Elsinore Valley Municipal Water District's use of such water to serve TMC.
 - III. Water appropriated under this permit shall not be stored on the surface of the Back Basin except in the Wetlands Mitigation Area and will not decrease the flood storage capacity as required by the Permittee's Proposed Lake Elsinore Management Plan dated 1984; the U.S. Army Corps of Engineers Permit Modification for the Lake Elsinore Management Project (Permit No. 88-00215-RRS) dated December 22, 1995; and the HEC-5 model approved by the Riverside County Flood Control and Water Conservation District and the U.S. Army Corps of Engineers on May 6, 1998, and June 26, 1998, respectively, as they may be amended.
 - IV. The Permittee shall operate the project in conformance with applicable water quality laws and standards including those related to unrestricted body contact recreation in Lake Elsinore. Interpretation and enforcement of this permit term shall be based upon applicable laws; the Permittee's Proposed Lake Elsinore Management Project dated 1984; and the Agreement to Fill and Operate Lake Elsinore dated December 19, 1991.
- Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)
11. **Maps for Larger Projects.** If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights. (0000030)

12. **Riparian Habitat.** Permittee shall discharge at least 0.5 million gallons per day into Temescal Wash for the enhancement of downstream riparian habitat when such flow is available for release. (0140060M)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. **Reduction in License.** The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. **Progress Reports.** Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued. (0000010)
- C. **Access to Project.** Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

D. **Continuing Authority.** Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. **Water Quality Objectives.** The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for

hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

F. **Endangered Species.** This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

G. **Water Diversion and Use Records.** Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

H. **Stream Alteration Agreement.** No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation

proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
VICTORIA A. WHITNEY

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: April 5, 2004